

DCI/IC-78-0310
31 January 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM:

[REDACTED]
Acting Deputy to the DCI for the
Intelligence Community

SUBJECT: Redraft of Title II of the SSCI Charters
Legislation

1. The attached 46-page draft of Title II of the legislation being drafted by the Senate Select Committee on Intelligence was not received until 1030 hours today, so the following comments result from a very rapid review.

a. This draft is 13 pages shorter than the 16 January version previously reviewed.

b. Division of the text into six separate parts is new, and the entire paper has been reorganized so there is no direct correlation for easy comparison purposes with the earlier version, and detailed section-by-section review will be required. The 16 January version had 21 sections, and the 30 January draft has 33 sections. The only earlier section which seems to have been completely eliminated is Section 221, "Civil Action."

2. The following are comments on some of the sections:

Sec. 201, Short Title

A single word change has been made in the title, substituting "Constitutional" for "Individual" rights.

Sec. 202, Statement of Findings

This section is somewhat shorter than the earlier version and much of the perjorative language has been deleted.

SUBJECT: Redraft of Title II of the SSCI Charters Legislation

Sec. 203, Statement of Purposes

The Statement of Purposes has been shortened and amended. Reference to amending and supplementing the National Security Act of 1947 has been dropped.

Reference to the Attorney General is changed as follows:

"(3) to confer upon the Attorney General the authority necessary ~~for~~ to permit the Attorney General to participate effectively in ensuring that intelligence activities of the United States are conducted in conformity with the Constitution...."

Sec. 104, Definitions

A few definitions have been dropped ("Attorney General," "confidential interview," "consensual electronic intelligence" and "pretext interview"), but almost no change has been made in the remaining definitions.

Sec. 105, Responsibility of the Attorney General

The former draft charged the Attorney General "to ensure," in cooperation with the NSC, DNI, IOB and heads of intelligence entities, that all intelligence activities are legal and proper.

The new draft softens this by making it an Attorney General responsibility "to participate, as appropriate" with the NSC, DNI, IOB and intelligence chiefs "in ensuring" that intelligence activities are legal and proper.

Some other changes are made which reduce the responsibilities previously listed for the Attorney General.

3. Beyond the foregoing introductory comments relating to the sections of Part A, there has been no time for detailed analysis of the new title.

4. In general, some of the more excessive requirements for reporting have been dropped, and the title is much better organized for clarity. At first glance, the sections on electronic surveillance and physical surveillance have not been changed.

SUBJECT: Redraft of Title II of the SSCI Charters Legislation

5. Study of the new Title II is continuing, and we will provide you comments as soon as feasible, along with recommendation as to whether the same course of action should be pursued with respect to the new Title II as we had submitted to you on 27 January concerning the 16 January draft.



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Attachment:
Draft Title II

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(31 January 1978)

STAT